

West's Utah Code Annotated  
Constitution of Utah  
Article VIII. Judicial Department (Refs & Annos)

U.C.A. 1953, Const. Art. 8, § 12

Sec. 12. [Judicial Council--Chief justice as administrative officer--Legal counsel]

Currentness

- (1) There is created a Judicial Council which shall adopt rules for the administration of the courts of the state.
- (2) The Judicial Council shall consist of the chief justice of the Supreme Court, as presiding officer, and other justices, judges, and other persons as provided by statute. There shall be at least one representative on the Judicial Council from each court established by the Constitution or by statute.
- (3) The chief justice of the Supreme Court shall be the chief administrative officer for the courts and shall implement the rules adopted by the Judicial Council.
- (4) The Judicial Council may appoint legal counsel which shall provide all legal services for the Judicial Department unless otherwise provided by statute.

**Credits**

Laws 1984, 2nd Sp.Sess., S.J.R. 1, adopted at election Nov. 6, 1984, eff. July 1, 1985; [Laws 1992, S.J.R. 8, § 10](#), adopted at election Nov. 3, 1992, eff. Jan. 1, 1993.

[Notes of Decisions \(1\)](#)

U.C.A. 1953, Const. Art. 8, § 12, UT CONST Art. 8, § 12  
Current through the 2017 General Session.

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West's Utah Code Annotated  
Title 78a. Judiciary and Judicial Administration (Refs & Annos)  
Chapter 2. Judicial Administration  
Part 1. Judicial Administration

U.C.A. 1953 § 78A-2-104  
Formerly cited as UT ST § 78-3-21

§ 78A-2-104. Judicial Council--Creation--Members--Terms and election--  
Responsibilities--Reports--Guardian Ad Litem Oversight Committee

Currentness

- (1) The Judicial Council, established by [Article VIII, Section 12, Utah Constitution](#), shall be composed of:
- (a) the chief justice of the Supreme Court;
  - (b) one member elected by the justices of the Supreme Court;
  - (c) one member elected by the judges of the Court of Appeals;
  - (d) five members elected by the judges of the district courts;
  - (e) two members elected by the judges of the juvenile courts;
  - (f) three members elected by the justice court judges; and
  - (g) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is an active member of the Bar in good standing at the time of election by the Board of Commissioners.
- (2) The Judicial Council shall have a seal.
- (3)(a) The chief justice of the Supreme Court shall act as presiding officer of the council and chief administrative officer for the courts. The chief justice shall vote only in the case of a tie.
- (b) All members of the council shall serve for three-year terms.
    - (i) If a council member should die, resign, retire, or otherwise fail to complete a term of office, the appropriate constituent group shall elect a member to complete the term of office.

(ii) In courts having more than one member, the members shall be elected to staggered terms.

(iii) The person elected by the Board of Commissioners may complete a three-year term of office on the Judicial Council even though the person ceases to be a member or ex officio member of the Board of Commissioners. The person shall be an active member of the Bar in good standing for the entire term of the Judicial Council.

(c) Elections shall be held under rules made by the Judicial Council.

(4) The council is responsible for the development of uniform administrative policy for the courts throughout the state. The presiding officer of the Judicial Council is responsible for the implementation of the policies developed by the council and for the general management of the courts, with the aid of the administrator. The council has authority and responsibility to:

(a) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and

(b) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an annual report of the operations of the courts, which shall include financial and statistical data and may include suggestions and recommendations for legislation.

(5) The council shall establish standards for the operation of the courts of the state including, but not limited to, facilities, court security, support services, and staff levels for judicial and support personnel.

(6) The council shall by rule establish the time and manner for destroying court records, including computer records, and shall establish retention periods for these records.

(7)(a) Consistent with the requirements of judicial office and security policies, the council shall establish procedures to govern the assignment of state vehicles to public officers of the judicial branch.

(b) The vehicles shall be marked in a manner consistent with [Section 41-1a-407](#) and may be assigned for unlimited use, within the state only.

(8)(a) The council shall advise judicial officers and employees concerning ethical issues and shall establish procedures for issuing informal and formal advisory opinions on these issues.

(b) Compliance with an informal opinion is evidence of good faith compliance with the Code of Judicial Conduct.

(c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.

(9)(a) The council shall establish written procedures authorizing the presiding officer of the council to appoint judges of courts of record by special or general assignment to serve temporarily in another level of court in a specific court or generally within that level. The appointment shall be for a specific period and shall be reported to the council.

(b) These procedures shall be developed in accordance with Subsection 78A-2-107(10) regarding temporary appointment of judges.

(10) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record. There shall be at least one court clerk's office open during regular court hours in each county. Any trial court of record may hold court in any municipality designated as a location of a court of record.

(11) The Judicial Council shall by rule determine whether the administration of a court shall be the obligation of the administrative office of the courts or whether the administrative office of the courts should contract with local government for court support services.

(12) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.

(13)(a) The Judicial Council shall :

(i) establish the Office of Guardian Ad Litem, in accordance with Title 78A, Chapter 6, Part 9, Guardian Ad Litem; and

(ii) establish and supervise a Guardian Ad Litem Oversight Committee.

(b) The Guardian Ad Litem Oversight Committee described in Subsection (13)(a)(ii) shall oversee the Office of Guardian Ad Litem, established under Subsection (13)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.

(14) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery Services within the Department of Human Services, the part of the state case registry that contains records of each support order established or modified in the state on or after October 1, 1998, as is necessary to comply with the Social Security Act, [42 U.S.C. Sec. 654a](#).

#### **Credits**

[Laws 2008, c. 3, § 282, eff. Feb. 7, 2008; Laws 2008, c. 248, § 11, eff. Jan. 1, 2012; Laws 2009, c. 32, § 9, eff. Jan. 1, 2012.](#)

U.C.A. 1953 § 78A-2-104, UT ST § 78A-2-104  
Current through the 2017 General Session.

West's Utah Code Annotated  
State Court Rules  
Utah Code of Judicial Administration  
Part I. Judicial Council Rules of Judicial Administration  
Chapter 1. Judicial Council Organization  
Article 1. General Provisions

Judicial Administration Rule 1-102

RULE 1-102. ROLE AND OBJECTIVES OF THE COUNCIL

Currentness

**Intent:**

To identify the Council as the principal authority for the administration of the judiciary.

To identify the Council or its designee as the sole authority for establishing and representing the official position of the judiciary on issues within the jurisdiction of the Council.

To establish general guidelines to assist the Council in establishing policy.

**Applicability:**

This rule shall apply to all rules and resolutions considered or adopted by the Council.

This rule shall apply to the Council and the Boards.

**Statement of the Rule:**

(1) As established by the Constitution of Utah, the Council is the principal authority for the administration of the judiciary.

(2) The Council or its designee is the sole authority for establishing and representing the official position of the judiciary on issues within the jurisdiction of the Council. The Council has the responsibility to seek the advice and recommendations of the Boards on such issues and, when appropriate, to delegate to a board, Council committee or Court Administrator the authority to make an official public statement.

(3) Consistent with the status of the judiciary as a co-equal branch of government, the Council is committed to developing uniform policies to achieve the following objectives:

(A) providing the people an open, fair, efficient, and independent system for the advancement of justice under the law;

(B) attracting and retaining qualified judges;

- (C) improving the opportunity for and the quality of continuing education for judges and staff;
- (D) identifying and solving on a continuing basis the priority problems facing the judiciary; and
- (E) assuring that the judiciary keeps pace with legal, social, political, demographic, and technical developments.

**Credits**

[Amended effective November 1, 1998.]

Judicial Administration Rule 1-102, UT R J ADMIN Rule 1-102  
Current with amendments received through May 1, 2017.

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West's Utah Code Annotated  
State Court Rules  
Utah Code of Judicial Administration  
Part I. Judicial Council Rules of Judicial Administration  
Chapter 2. Judicial Council Procedure  
Article 2. Rulemaking Procedure

Judicial Administration Rule 2-201

RULE 2-201. PURPOSE OF RULES AND RESOLUTIONS

Currentness

**Intent:**

To provide guidelines for the adoption of rules and resolutions which will identify the scope of the Council's authority for the administration of the judiciary.

**Applicability:**

This rule shall apply to all rules and resolutions considered or adopted by the Council.

**Statement of the Rule:**

(1) To achieve the objectives defined in this Code, the Council may establish policy by adopting rules governing any administrative function of the judiciary.

(2) The Council may adopt resolutions for any of the following purposes:

- (A) to create an ad hoc committee;
- (B) to express appreciation for the extraordinary efforts of any individual or group;
- (C) to express condolences to those persons surviving the death of any person;
- (D) to endorse or oppose legislation;
- (E) to endorse or oppose the findings or recommendations of task forces, committees, or other groups concerning topical matters of interest to the judiciary; or
- (F) any other purpose of the Council not requiring a rule.

Judicial Administration Rule 2-201, UT R J ADMIN Rule 2-201  
Current with amendments received through May 1, 2017.

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